

Amend Section 87163 to read:

87163 DENIAL OF LICENSE APPLICATION

87163

(a) (Continued)

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Health and Safety Code section 1569.1515(b) ~~reads~~provides:

"(b) The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, the executive director, or an officer who is not eligible for licensure pursuant to Sections 1569.16 and 1569.59."

Health and Safety Code section 1569.50(a) ~~reads~~provides:

"(a) The department may deny an application for a license or may suspend or revoke ~~any~~a license issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

"~~(a)~~(1) Violation by the licensee of this chapter or of the rules and regulations adopted under this chapter.

"~~(b)~~(2) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations adopted under this chapter.

"~~(c)~~(3) Conduct ~~which~~that is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

"~~(d)~~(4) The conviction of a licensee, or other person mentioned in ~~s~~Section 1569.17 at any time before or during licensure, of a crime as defined in ~~s~~Section 1569.17.

"~~(e)~~(5) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services for the care of clients."

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(d) (Continued)

(f) Except as otherwise specified by Health and Safety Code section 1569.50(d), An applicant may appeal the denial of the application by sending a written notice of appeal to the licensing agency within 15 days of the postmark date of the denial notice.

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Health and Safety Code section 1569.50(d) provides:

"(d) A licensee who abandons the facility and the residents in care resulting in an immediate and substantial threat to the health and safety of the abandoned residents, in addition to revocation of the license pursuant to this section, shall be excluded from licensure in facilities licensed by the department without the right to petition for reinstatement."

HANDBOOK ENDS HERE

(g) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.1515~~(b)~~, 1569.17, 1569.185, 1569.20, 1569.21, 1569.22, 1569.23~~(a)~~ and ~~(e)~~, 1569.485, 1569.49, 1569.50, 1569.51, 1569.52 and 1569.53, Health and Safety Code.

Amend Section 87217 to read:

87217 SAFEGUARDS FOR RESIDENT CASH, PERSONAL PROPERTY, AND VALUABLES **87217**

(a) (Continued)

(j) (Continued)

(1) (Continued)

(4) If the licensee is unable to notify a responsible party as specified above, immediate written notice of the resident's death shall be given to the public administrator of the county as provided by Section ~~4445~~7600 of the California Probate Code.

(k) (Continued)

Authority cited: Section 1569.3, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.31, 1569.60 and 1569.61, Health and Safety Code; Section 11006.9, Welfare and Institutions Code; and Title 20 Code of Federal Regulations, Section 416.601.

Amend Section 87775 to read:

87775 REVOCATION OR SUSPENSION OF LICENSE

87775

- (a) Pursuant to the provisions of Chapter 5, (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code, the Department may suspend or revoke any license on any of the grounds stipulated in Health and Safety Code Sections 1569.1515(c), ~~and 1569.50 and 1569.686(c).~~

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Health and Safety Code section 1569.1515(c) ~~reads~~provides:

"(c) The department may revoke the license of any corporate licensee that has a member of the board of directors, the executive director, or an officer who is not eligible for licensure pursuant to Sections 1569.16 and 1569.59."

Health and Safety Code section 1569.50 ~~reads~~provides in part:

"~~(a)~~(1) The department may deny an application for a license or may suspend or revoke ~~any~~ a license issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

~~(a)~~(1) Violation by the licensee of this chapter or of the rules and regulations adopted under this chapter.

~~(b)~~(2) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations adopted under this chapter.

~~(c)~~(3) Conduct ~~which~~that is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

~~(d)~~(4) The conviction of a licensee, or other person mentioned in ~~s~~Section 1569.17 at any time before or during licensure, of a crime as defined in ~~s~~Section 1569.17.

~~(e)~~(5) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services for the care of clients."

..."

Health and Safety Code section 1569.686(c) provides in pertinent part:

"(c) . . . If a resident is relocated without the notification required by this section, and suffers transfer trauma or other harm to his or her health or safety, the department may also suspend or revoke the licensee's license and issue a permanent revocation of the licensee's ability to operate or act as an administrator of a facility anywhere in the state. Suspension or revocation proceedings pursuant to this subdivision shall be conducted in compliance with Section 1569.51."

HANDBOOK ENDS HERE

(b) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1515, 1569.50, 1569.51, 1569.52, ~~and~~—1569.53 and
1569.686, Health and Safety Code.